

FISCAL NOTE

Bill #: SB0485

Title: Establish next-of-kin registry

Primary Sponsor: Ellingson, J

Status: As Introduced - Revised

Sponsor signature	Date	David Ewer, Budget Director	Date
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Fiscal Summary

	<u>FY 2006 Difference</u>	<u>FY 2007 Difference</u>
Expenditures:		
General Fund	\$49,800	\$2,000
Revenue:		
General Fund	\$0	\$0
Net Impact on General Fund Balance:	(\$49,800)	(\$2,000)

- | | |
|---|--|
| <input type="checkbox"/> Significant Local Gov. Impact | <input checked="" type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts |
| <input type="checkbox"/> Dedicated Revenue Form Attached | <input checked="" type="checkbox"/> Needs to be included in HB 2 |

Fiscal Analysis

ASSUMPTIONS:

Department of Justice

1. SB 485 establishes a next-of-kin registry within the office of the Attorney General (AG).
2. Additional monies will be needed to offset the cost of development.
3. The development will be contracted, with the completion and implementation not occurring until January 1, 2006 – six months after effective date of the bill. Estimating cost of development is difficult, due to unknowns such as size, but is estimated at \$49,800.
 - These costs include \$6,000 for a server to house the database; and contract services for database development, database analysis, and web interface development of \$38,800.
 - Additional operating costs for production of a poster, development and printing of forms, and postage to mail forms to all district courts are estimated to be \$5,000 in FY 2006 and \$2,000 in FY 2007.
4. It is assumed that existing staff will maintain the database and prepare all paperwork for the next-of-kin registry.

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(continued)

FISCAL IMPACT:

	<u>FY 2006 Difference</u>	<u>FY 2007 Difference</u>
<u>Expenditures:</u>		
Operating Expenses	\$43,800	\$2,000
Equipment	<u>6,000</u>	<u>0</u>
TOTAL	\$49,800	\$2,000
<u>Funding of Expenditures:</u>		
General Fund (01)	\$49,800	\$2,000
<u>Revenues:</u>		
General Fund (01)	\$0	\$0
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>		
General Fund (01)	(\$49,800)	(\$2,000)

TECHNICAL NOTES:

1. Implementation of database has to be on a later date than the effective date of the bill, due to development time required by the department.
2. There are other "registry" bills, such as SB 483 and HB 742, requiring development of databases, etc. If all or any of these bills pass, the development costs should be combined or coordinated, where feasible, to minimize the overall costs.
3. Current statute (72-31-201, MCA) already establishes a power of attorney process. This legislation appears to develop a parallel process. The proposed legislation does not address that next-of-kin cannot supercede a full permanent or temporary guardian in decision making process or the Department of Public Health and Human Services when the department has exercised an emergency hold on a person.
4. There is no tie in this bill to the Montana Rights of the Terminally Ill Act (50-9-106, MCA) regarding priorities of family members making decisions of end of life when no declaration has been found. This may create conflicting laws, especially when the next of kin may in fact be a suspect in an abuse or neglect case.
5. This parallel process of decision making for the elderly and vulnerable populations can dramatically increase the workload for locally based ombudsman, who are employed by Area Agencies on Aging (AAA's) and adult protective services case workers.